

Message Text

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TO AMEMBASSY LAGOS

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C O N F I D E N T I A L STATE 092244

E.O. 11652: GDS

TAGS: PFOR, ETRN, GB, US

SUBJECT: PRESIDENT BONGO'S INTEREST IN ACQUIRING ANOTHER
DC-8 FROM U.S.

REF: (A) STATE 90075 NOTAL

(B) STATE 90292 NOTAL

1. FOLLOWING INFORMATION TRANSMITTED FOR EMBASSY'S
BACKGROUND IN EVENT GENERAL GOWAN WISHES DISCUSS
PARTICULARS CONCERNING USG NOTE TO OAU REGARDING GABONESE
REQUEST FOR ANOTHER DC-8. (REFTELS REPEATED EXCHANGE OF
NOTES BETWEEN USG AND OAU.)

2. IN MID-1972, PRESIDENT BONGO EXPRESSED TO AMBASSADOR
MCKESSON HIS DESIRE FOR A GABONESE COMPANY (COMPAGNIE
GABONAISE D'AFFRETEMENT AERIENS - "AFFRETAIR") TO ACQUIRE
A DC-8 TO BE USED FOR HIS OFFICIAL TRAVEL AND FOR
COMMERCIAL PURPOSES INSIDE AND OUTSIDE GABON.

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3. BECAUSE THE DEPARTMENT HAD RECEIVED REPORTS CONCERNING AFFRETAIR'S LINKAGE TO JACK MALLOCH, A RHODESIAN, AND AIR TRANS AFRICA, A RHODESIAN COMPANY, AND ITS INVOLVEMENT IN SANCTIONS BUSTING, WE WERE CONCERNED ABOUT DC-8 SALE IN RELATION TO RHODESIA SANCTIONS RESOLUTIONS AND REGULATIONS. ACCORDINGLY, THE COMMERCE DEPARTMENT SPECIFICALLY CONDITIONED THE ISSUANCE OF AN EXPORT LICENSE UPON THE

RECEIPT OF ASSURANCES FROM AFFRETAIR AND THE GOVERNMENT OF GABON THAT THE AIRCRAFT WOULD NOT BE UTILIZED FOR TRADE WITH RHODESIA. COMMERCE ALSO ADVISED THAT ANY FURTHER SALES OF AIRCRAFT OR PARTS WOULD BE EXAMINED ON THE BASIS OF GABONESE COMPLIANCE WITH THEIR ASSURANCES.

4. SPECIFIC WRITTEN ASSURANCES FROM AFFRETAIR WERE HANDED TO AMBASSADOR MCKESSON BY A GABONESE OFFICIAL IN THE OFFICE OF THE PRESIDENCY IN SEPTEMBER, 1972. SUBSEQUENTLY THE GABONESE MINISTER OF TRANSPORTATION ASSURED THE AMBASSADOR UPON INSTRUCTIONS FROM PRESIDENT BONGO THAT THE DC-8 WOULD NOT BE USED IN RHODESIA TRADE. SUBSEQUENTLY AN OFFICIAL IN THE PRESIDENT'S OFFICE FURNISHED AN EMBASSY OFFICER WITH A COPY OF A COMMUNICATION TO AFFRETAIR FROM THE MINISTRY OF AVIATION STATING THAT ANY USE OF THE DC-8 FOR TRADE WITH OTHER COUNTRIES WOULD REQUIRE GOVERNMENTAL APPROVAL.

5. DESPITE THESE ASSURANCES, EXIM DENIED THE APPLICATION TO FINANCE THE SALE. UNEXPECTEDLY THE GABONESE FINANCED THE ACQUISITION BY PRIVATE MEANS.

6. SHORTLY AFTER CONSUMMATION OF THE SALE, PRESS REPORTS INDICATED THAT THE DC-8 WAS BEING UTILIZED IN RHODESIAN TRADE. INFORMATION AVAILABLE TO THE DEPARTMENT NOT USABLE IN PUBLIC CORROBORATES THESE REPORTS. ON AUGUST 31, 1973, WE DELIVERED A NOTE TO THE GOG REQUESTING INFORMATION AND ASSURANCES ABOUT THE USE OF THE DC-8. THOUGH THE MINISTER OF TRANSPORTATION AGAIN ASSURED AMBASSADOR MCKESSON THAT THE DC-8 WAS NOT BEING MISUSED, THE NOTE HAS NEVER BEEN ANSWERED. INFORMATION AVAILABLE TO THE DEPARTMENT INDICATES THAT THE AIRCRAFT CONTINUES TO BE UTILIZED IN

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FLIGHTS TO AND FROM SALISBURY. THE DEPARTMENT OF COMMERCE HAS DENIED REQUESTS FOR LICENSES TO EXPORT SPARE PARTS TO AFFRETAIR. IN RECENT MEETINGS WITH AMBASSADOR MCKESSON, PRESIDENT BONGO HAS MADE NO EFFORT TO EXPLAIN THE USE OF THE DC-8, THUS SEEMING TO CONCEDE BY IMPLICATION ITS CONTINUED USE IN RHODESIA TRADE.

7. THE USG HAS RECEIVED NOTES FORMALLY EXPRESSING CONCERN

OVER EXPORT OF THE FIRST AIRCRAFT FROM THE UN SANCTIONS COMMITTEE AND THE OAU. THERE HAS ALSO BEEN ADVERSE PRESS COMMENT UPON THE SALE.

8. AS INDICATED PREVIOUSLY, PRESIDENT BONGO DESIRES TO ACQUIRE ANOTHER DC-8 AND HAS STATED IN WRITING THAT THE PLANE WOULD BE QUOTE DESTINE A MON USAGE PERSONNEL UNQUOTE. ACCORDING TO

PRESIDENT BONGO, THE DC-8 WOULD BE OWNED BY AIR GABON, RATHER THAN AFFRETAIR, AND UTA AND AIR AFRIQUE WOULD EACH HAVE 20 PERCENT OWNERSHIP. (EXIM QUESTIONS LATTER ASSERTION AND IS SEEKING CONFIRMATION THROUGH INFORMAL CHANNELS.)

9. PRESIDENT BONGO'S REQUEST RAISES A NUMBER OF OBVIOUS POLITICAL AND LEGAL PROBLEMS. RHODESIA SANCTIONS RESOLUTIONS, AMONG OTHER THINGS, PROHIBIT SALES TO RHODESIA-OWNED ENTERPRISES EVEN IF LOCATED OUTSIDE RHODESIA. RESOLUTIONS ALSO BAR ACTIVITIES WHICH "PROMOTE" TRADE WITH RHODESIA. IF, AS APPEARS TO BE THE CASE, AFFRETAIR IS RHODESIAN OWNED, FURTHER SALES TO IT WOULD BE CLEARLY PROHIBITED BY UN RESOLUTIONS AND U.S. LAW. THOUGH UNTESTED SOURCE HAS INFORMED INTERESTED USG AGENCIES SECOND DC-8 WOULD ALSO BE RHODESIAN OWNED AND UTILIZED IN RHODESIA TRAFFIC, THIS INFORMATION ALONE IS PROBABLY INSUFFICIENT TO PROHIBIT SALE. ONGOING INVESTIGATION HOWEVER MAY PRODUCE SUFFICIENT CORROBORATION OF THIS DATA TO CLOSE CASE. IF THIS DOES NOT OCCUR, MORE DIFFICULT LEGAL ISSUE IS RAISED WHETHER SECOND SALE WOULD "PROMOTE" CONTINUED SANCTIONS BUSTING BY FIRST DC-8 BY RELIEVING PRESSURES FOR PRESIDENTIAL AND OTHER USES. FROM PRACTICAL VIEWPOINT, BONGO'S PERSONAL INVOLVEMENT IN CONFIDENTIAL

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EFFORTS TO BUY A SECOND PLANE COULD MAKE DENIAL OF EXPORT LICENSE COSTLY IN TERMS OF BILATERAL POLITICAL AND ECONOMIC INTERESTS. CORRESPONDINGLY, THE SALE OF A NEW DC-8 COULD GENERATE STRONG DOMESTIC AND INTERNATIONAL REACTION STRESSING FALSITY OF PAST GOG ASSURANCES, OUR UNWILLINGNESS ENFORCE CONDITIONS ATTACHED TO FIRST EXPORT LICENSE, AND PROBABLE COOPERATION BETWEEN TWO DC-8'S IN TRAFFIC AND SPARE PARTS.

10. OUR INQUIRY TO OAU REFLECTED OAU'S FORMAL COMPLAINT TO USG ABOUT FIRST SALE AND HOPE AFRICANS MIGHT SORT OUT THIS TROUBLESOME DILEMMA AMONG THEMSELVES. RUSH

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